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EXAMINER

LUDWIG, MATTHEW J

ART UNIT PAPER NUMBER

2178

DATE MAILED: 07/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/690,366

Applicant(s)

TAYLOR, BILLY P.

Examiner

Matthew J. Ludwig

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,2,4-7,9-12 and 14-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-7,9-12 and 14-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>5/16/05</u> . | 6) <input type="checkbox"/> Other: _____  |



### DETAILED ACTION

1. This action is responsive to communications. Amendment filed 5/16/05.
2. Claims 1, 2, 4-7, 9-12, and 14-30, are pending in the case. Claims 1, 6, and 11, are independent claims.
3. Claims 1, 2, 4-7, 9-12, and 14-30, remain rejected under 35 U.S.C. 103(a) as being unpatentable over Dabney in view of Mason.

#### *Claim Rejections - 35 USC § 112*

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:  
  
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
5. **Claims 1, 6, and 11, are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.**

In reference to independent claims 1, 6, and 11, the examiner believes the vexatious nature of the claim language found within the independent claims include vague and indefinite language. The language fails to provide one of ordinary skill in the art the necessary steps to successfully carry out the invention. More specifically, the phrase, '*storing a version of a hardcopy paper*' fails to accurately describe what is being stored. The phrase '*content of the likeness*' fails to accurately describe applicant's invention and could be interpreted several different ways by one of ordinary skill in the art. It is unclear to the examiner, what is meant by the term likeness and what defines the content of the likeness. As presently claimed, the content of the likeness could be software code, an image, a font, etc. The phrase, '*the detected reference being associated with a second location*' is vague and indefinite. One of ordinary skill in the art could conceivably derive

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multiple ways to associate a reference with a second location. Furthermore, the phrase '*embedding a link within the version between the first location and the second location*', could be interpreted as a separate version distinct from both the first location and the second location. Finally, the phrase, '*and the first location being: displayable on the display device as part of the likeness*', fails to provide one of ordinary skill in the art with an accurate description of the claimed invention. The language of the claim is such that a person of ordinary skill in the art could not interpret the metes and bounds of the claim so as to understand how to avoid infringement.

### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. **Claims 1, 2, 4-7, 9-12, and 14-30, are rejected under 35 U.S.C. 103(a) as being unpatentable over Dabney et al., USPN 6,643,663 filed (10/8/1999) in view of Mason et al., USPN 6,401,075 filed (2/14/2000).**

**In reference to independent claim 1, Dabney teaches:**

The completed news story data is approved by the news editors and stored on the content servers for newscasts and media distribution. The news story data is available for internet news sources to receive (compare to "*storing a version of a mass-produced printed paper*"). See

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column 6, lines 1-13. Because the claim limitations are to be given their broadest reasonable interpretation within the scope of the art, the content management system taught by Dabney suggests a *version* (webpage) of a mass-produced *printed paper*.

A web editor reviews and edits the data stored in the content management system and assigns the data to target locations appropriate for the data to be assigned and approves the data for use in a webpage. A target location is a section within a site, such as a science section within an online newspaper (compare to “*in response to the version, detecting a reference at a first location within the paper, the detected reference being associated with a second location*”). See column 6, lines 20-40. The reference suggests a reference to a second location, a target location, designated by the web editor.

The reference provides a means for utilizing the invention for online activities, such as web auctions, online job postings, online sales advertisements or any other online activity. See column 15, lines 1-19. The reference discloses the creation of a link within the version between the first location and the second location when it provides the utilization of a bridge, which links the content server to the content management system. The reference fails to disclose ‘*selectable by a user to cause an operation associated with the second location*’. However, Mason teaches a means for selecting advertisements, i.e. links, and provides the ability to monitor the success of particular advertising campaign on separate site, but associated with the various websites. The reference provides a proficient suggestion of performing operations in direct association between two distinct locations. See column 5, lines 45-67 & column 6, lines 25-65.

It would have been obvious to one of ordinary skill in the art, having the teachings of Dabney and Mason before him at the time the invention was made, to modify the content

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management system taught by Dabney to include the statistical analysis package of Mason, because it would have provided advertising links in a newspaper environment and based on a selection by a user, the reference could provide statistical operations associated with the second location, which could efficiently monitor and report the total amount of viewer traffic that an online newspaper website receives.

**In reference to dependent claim 2, Dabney teaches:**

The reference discloses the creation of a link within the version between the first location and the second location when it provides the utilization of a bridge, which links the content server to the content management system. See column 7, lines 40-67. The reference does not explicitly state the reference is within the content being edited or modified; however, Mason provides instructions for the utilization of derivative ads that allow connection to a website established by the national advertiser. See column 3, lines 50-67. It would have been obvious to one of ordinary skill in the art, having the teachings of Dabney and Mason before him at the time the invention was made, to modify the content management system taught by Dabney to include the statistical analysis package of Mason, because it would have provided advertising links in a newspaper environment and based on a selection by a user, the reference could provide statistical operations associated with the second location, which could efficiently monitor and report the total amount of viewer traffic that an online newspaper website receives.

**In reference to dependent claim 4, Dabney teaches:**

The reference discloses the creation of a link within the version between the first location and the second location when it provides the utilization of a bridge, which links the content server to the content management system. See column 7, lines 40-67. The reference fails to teach

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the specifying an identity of a document external to the paper, wherein the second location is the document, and wherein the operation includes displaying the document on the display device in response to a selection to a first location; however, Mason discloses the ability to monitor the success of particular advertising campaigns in real time and facilitates the modification of an advertising campaign either automatically or with user intervention. See column 6, lines 27-67. It would have been obvious to one of ordinary skill in the art, having the teachings of Dabney and Mason before him at the time the invention was made, to modify the content management system taught by Dabney to include the statistical analysis package of Mason, because it would have provided advertising links in a newspaper environment and based on a selection by a user, the reference could provide statistical operations associated with the second location, which could efficiently monitor and report the total amount of viewer traffic that an online newspaper website receives.

**In reference to dependent claim 5, Dabney teaches:**

The reference discloses the creation of a link within the version between the first location and the second location when it provides the utilization of a bridge, which links the content server to the content management system. See column 7, lines 40-67. The reference fails to teach the specifying an identity of a document external to the paper, wherein the second location is the document, and wherein the operation includes displaying the document on the display device in response to a selection to a first location; however, Mason discloses the ability to monitor the success of particular advertising campaigns in real time and facilitates the modification of an advertising campaign either automatically or with user intervention. See column 6, lines 27-67.

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It would have been obvious to one of ordinary skill in the art, having the teachings of Dabney and Mason before him at the time the invention was made, to modify the content management system taught by Dabney to include the statistical analysis package of Mason, because it would have provided advertising links in a newspaper environment and based on a selection by a user, the reference could provide statistical operations associated with the second location, which could efficiently monitor and report the total amount of viewer traffic that an online newspaper website receives.

**In reference to claims 6, 7, 9, and 10**, the limitations reflect the system comprising instructions used for performing the methods as claimed in 1, 2, 4, and 5, respectively, and in further view of the following, are rejected along the same rationale.

**In reference to claims 11, 12, 14, and 15**, the limitations reflect the computer program product comprising computer readable instructions used for performing the methods as claimed in 1, 2, 4, and 5, respectively, and in further view of the following, are rejected along the same rationale.

**In reference to claims 16-20**, the claims recite similar limitations to those of claims 1, 2, 4, and 5, and in further view of the following, are rejected under similar rationale.

**In reference to claims 21-25**, the claims recite similar limitations to those used for performing the methods as claimed in 1, 2, 4, and 5, respectively, and in further view of the following, are rejected along the same rationale.

**In reference to claims 26-30**, the claims recite similar limitations to those used for performing the methods as claimed in 1, 2, 4, and 5, respectively, and in further view of the following, are rejected along the same rationale.

***Response to Arguments***



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8. Applicant's arguments filed 5/16/05 have been fully considered but they are not persuasive.

The Applicant believes the Dabney reference displays a pull down menu, which does not exist in a hardcopy paper and teaches away from a likeness of the hardcopy paper. The Examiner, believes the language found within the amended independent claims fail to provide one of ordinary skill in the art with an accurate description of the claimed invention. Moreover, a hardcopy paper could be interpreted several different ways by one of ordinary skill in the art. The phrase, '*storing a version of a hardcopy paper*' fails to precisely explain what is being stored. The generic nature of a hardcopy paper provides a broad landscape of possible interpretations when read as whole. The phrase '*content of the likeness*' fails to accurately describe applicant's invention and could be interpreted several different ways by one of ordinary skill in the art. It is unclear to the examiner, what is meant by the term likeness and what defines the content of the likeness. As presently claimed, the content of the likeness could be a data structure, tags, an image, a font, etc. A hardcopy paper could be a printed piece of paper which would include an image of a drop down menu. The language of the claim is such that a person of ordinary skill in the art could not interpret the metes and bounds of the claim so as to understand how to avoid infringement. The amended language is vague and indefinite. Therefore, the Examiner has modified the rejection and added a rejection under U.S.C. 112 2<sup>nd</sup> Paragraph.

The primary reference teaches the completed news story data is approved by the news editors and stored on the content servers for newscasts and media distribution. The news story data is available for internet news sources to receive (compare to "*storing a version of a mass-produced printed paper*"). See column 6, lines 1-13. Because the claim limitations are to be

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given their broadest reasonable interpretation within the scope of the art, the content management system taught by Dabney suggests a *version* (webpage) of a stored hardcopy *paper*.

A web editor reviews and edits the data stored in the content management system and assigns the data to target locations appropriate for the data to be assigned and approves the data for use in a webpage. A target location is a section within a site, such as a science section within an online newspaper (compare to “*in response to the version, detecting a reference at a first location within the paper, the detected reference being associated with a second location*”). See column 6, lines 20-40. The reference suggests a reference to a second location, a target location, designated by the web editor.

The reference provides a means for utilizing the invention for online activities, such as web auctions, online job postings, online sales advertisements or any other online activity. See column 15, lines 1-19. The reference discloses the creation of a link within the version between the first location and the second location when it provides the utilization of a bridge, which links the content server to the content management system. The reference fails to disclose ‘*selectable by a user to cause an operation associated with the second location*’. However, Mason teaches a means for selecting advertisements, i.e. links, and provides the ability to monitor the success of particular advertising campaign on separate site, but associated with the various websites. The reference provides a proficient suggestion of performing operations in direct association between two distinct locations. See column 5, lines 45-67 & column 6, lines 25-65.

*Conclusion*

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew J. Ludwig whose telephone number is 571-272-4127. The examiner can normally be reached on 9:00am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong can be reached on 571-272-4124. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ML

July 17, 2005

*William L. Bashore*  
**WILLIAM BASHORE**  
**PRIMARY EXAMINER**  
*7/21/2005*